REMARKS

Applicants respectfully request reconsideration and withdrawal of the rejections of the claims.

By way of the present response, claims 1, 6, 7, 11 and 17 are amended, and claims 5, 14, 20, and 23-30 are canceled without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter of non-elected claims 23-30 in a divisional application.

Applicants submit that the present amendments should be entered because they do not present new issues that would require further consideration or search, serve to simplify the issues, and place the application in condition for allowance. Specifically, the amendments to independent claims 1, 11 and 17 merely incorporate the features of previously considered dependent claims 5, 14 and 20, respectively, and clams 6 and 7 are amended to conform their dependencies such that they now depend from independent claim 1. The remaining amendment involve canceling claims 5, 14, 20 and 23-30.

In section 14 on page 6, the action states that Applicants' arguments presented in the Amendment filed on May 16, 2005, were not convincing. This statement is based on a newly applied rejection of claims 1, 8-11, 14-17 and 20-22 under 35 U.S.C. 102(a), as allegedly being anticipated by the Hoshino et al. patent in view of Covault (U.S. Patent No. 3,748,484).[1] Applicants respectfully traverse this rejection for the reasons set forth on page 8 of the May 16, 2005 Amendment regarding the Hoshino et al. patent, and for the following additional reasons:

In setting forth the rejection, the Office essentially asserts that the Hoshino et al. patent teaches the invention recited in independent claims 1, 11 and 17, except for the feature of "the at least one object reflects the polarized light signal without diffracting the polarized light signal." The Office, therefore, applies the Covault patent, which is asserted teach "a system in which an object reflects polarized light signal without diffracting the polarized light signal ... in a system for the purpose of identifying at least one object" (see, page 3, section 5(B)). However, it is to be noted that column 3, line 1 to column 4, line 51, and Figure 1, which the Office relies upon from the Covault patent, does not disclose a system in which an object reflects polarized light signal without diffracting the polarized light signal ...," as alleged in the office action. Rather, this embodiment relates to measuring the polarized

[1] While the grounds of rejection does not include claims 2, 3, 5-7, 12 and 18, it appears the Office intended to include these claims because they are mentioned as rejected in the statements of the rejection. Additionally, it is assumed the Office actually intends this rejection to be pursuant to Section 103.

radiometric intensity of energy *emitted* from a sample. Thus, Applicants submit that these cited parts of the Covault patent are entirely unrelated to the claimed features of "at least one object reflects the polarized light signal without diffracting the polarized light signal."

In a second embodiment, the Covault patent describes a system in which a polarized laser beam is reflected from a target surface to determine whether a target surface is rough or smooth based a measured degree of polarization of the reflected signal (see, column 9, line 38 to column 11, line 68). However, there is nothing in Covault that would have taught or suggested "a first optical polarizer arranged in a first orientation on at least a portion of the signal transceiver system with respect to a second optical polarizer arranged in a second orientation on at least a portion of a reflective surface on the object," as recited in claim 1, and similar features recited in claims 11 and 17.

Furthermore, as Applicants pointed out on page 8 of the May 16, 2005 Amendment, one of ordinary skill in the art would not have been led to modify the system of Hoshino et al. to reflect a polarized light signal without diffracting the polarized light signal because Hoshino et al. specifically *teaches away* from such a system. In fact, such a modification of Hoshino et al. would appear to change the principal of operation of the Hoshino et al. system and/or render it unsatisfactory for its intended purpose. See MPEP §2143.01. For instance, as pointed out on page 8 of Applicants' response of May 16th:

> [G]iven the positioning of the light receiving units 12a and 12b relative to the light source 11 and hologram foil 1, and as supported by the portions of Hoshino recited above, a system as taught by Hoshino wherein hologram foil 1 reflects light from light source 11 without diffracting the light would be ineffective because the diffractive properties of hologram foil 1 allow for the diffraction of light towards either light receiving unit 12a or light receiving unit 12b, thereby allowing for the identification of the object X.

For at least these reasons, Applicants submit that neither Hoshino et al. nor Covault provide sufficient suggestion or motivation for the proposed modification such that the claims would be rendered *prima facie* obvious.

Additionally, MPEP §2143.01 instructs that to establish *prima facie* obviousness, the motivation for combining references must be found in the prior art. In this regard, the Office's motivation, at page 6, section 5(C), for modifying the system of the Hoshino et al., "to incorporate a system in which an object reflects polarized light signal without diffracting the polarized light signal for the purpose of more accurately identifying at least one object because of the absence of any stray light caused by diffraction," is not found in either of the Hoshino et al. or Covault documents. Indeed, the system in Hoshino et al. purposefully

diffracts a light signal so that both units of a light receiving unit pair disposed fore-and-aft of the scanning direction capture the diffracted light beams directed perpendicular to the foil (column 5, lines 9-15). The Covault patent likewise fails to include any disclosure that would have suggested the motivation provided in the office action.

Even if one were to consider, for the sake of argument, that one of ordinary skill in the art would have somehow combined these disparate documents, such a hypothetical combination would not have taught or suggest each and every feature set forth in the independent claims. For instance, neither Hoshino et al. nor Covault teach or suggest "a second optical polarizer arranged on a second orientation on at least a portion of a reflective surface of the object," as recited in claim 1, and similar features recited in claims 11 and 17. In connection with this claimed feature, the Office asserts that Hoshino et al. describes "a second optical polarizer 4 arranged in a second orientation on at least a portion 1 of a reflective surface on the object X (see col. 4, line 66- col. 5, line 8)" (see, section 8 spanning pages 3-4). However, the Hoshino et al. patent identifies layer 4 as a "hologram forming layer" (column 4, line 39), and column 4, line 66 to column 5, line 8 describe a diffraction grating. Hence, it is respectfully submitted that the Hoshino et al. patent does not teach or suggest the claimed "second optical polarizer."

For all the above reasons, the Hoshino et al. and Covault patents would not have taught or suggested the combinations of features set forth in amended claims 1, 11 and 17, whether these documents are considered individually or in any combination.

Claims 4, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoshino et al and Covault in further view of the Stevens patent. It is respectfully submitted, however, that the description in the Stevens patent of a filter including a rotatable polarizer does not remedy the shortcomings pointed out above with respect to the Hoshino et al. and Covault patents and independent claims 1, 11 and 17.

The remaining claims depend from one of independent claims 1, 11 and 17, and are therefore allowable at least for the above reasons. Additionally, the dependent claims recite combinations including further points of distinction.

In view of the foregoing, Applicants submit that the present amendments place this application is in condition for allowance. Prompt notification of the same is earnestly solicited.

Respectfully submitted,

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